

REMARKS

Reconsideration and further examination is respectfully requested. Claims 1 and 2 were previously examined and are included in original form, and new claims 3-49 are newly presented. Previously examined claims 1 and 2 were rejected as being anticipated by Novikov et. al. (Novikov), those rejections are respectfully traversed.

The present invention includes a number of novel elements not shown in the cited references. It is one aspect of the present invention that a biometric system act as a gate, rather than as a filter as shown in the references. That is, the gating device controls an operational mode of an electronic device rather than working in cooperation with an electronic device.

The claims include at least two limitations not shown or taught in Novikov: (1) "an electronic device adapted for operation using power from a power source, said power source energizing a circuit of said electronic device for enabling a startup procedure of said electronic device;" and (2) "a switch, coupled between said power source and said processor, for enabling said energizing of said circuit responsive to an assertion of an activation signal."

The Novikov reference fails to teach or suggest that the device 54 is functionally interposed between a power source of either computer 50 or computer 51 and circuits of those computers controlling startup.

While the undersigned is unaware of any functional electronic device lacking a power source (thus a power source is assumed *arguendo* for purposes of the present discussion only) the simple fact that the structure and function of the description in Novikov REQUIRES that the computer 51 already be ON to interact with the device 54 means that the system of Novikov cannot function as recited – that is as a gating system/method controlling whether the computer comes on at all.

A basic design of conventional biometric systems (e.g., Novikov) is to have an ALREADY functioning computing system use biometric information to FILTER accesses rather than to GATE accesses through controlling whether the computer 51 is ON or OFF. By the term "gating," the present

invention includes the idea that an electronic device (e.g., a computer or an electronic lock) is not energized unless and until the biometric profile and the biometric signature bear a required relationship. This is a major shift in design from conventional systems that use an already powered computing system to interface with a biometric reader. Also, the gating function may shut off an electronic device, and permits embodiments of the invention to be used without a computing system such as when the electronic device is an electronic lock.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Michael E. Woods, Applicants' Attorney at (415) 388-0830 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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